86- 13 (1)

NO.

Supreme Court, U.S.
FILED
JUL 2 1986
JOSEPH F. SPANIOL, JR.
CLERK

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1986

EARL JAMES O'MALEY, et uxor

vs.

COUNTY OF BACA, and
CIGNA CAPITOL ADVISORS, and
CONNECTICUT GENERAL LIFE INS

PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT

EARL JAMES O'MALEY and
ANNA V O'MALEY,
IN PROPRIA PERSONA
ROUTE 1A BOX 1
CAMPO, COLORADO 81029
(303) 787-2326

5/23/86

39pp

QUESTIONS PRESENTED

1. Whether the lower court erred by an outright denial of a trial by Jury. And the trial judgeship refusal to allow for a series of Constitutional safeguards for the interest of justice pursuant to Article VI to the United States Constitution.

2. Whether the State appeal process erred in not granting an oral hearing before open court.

3. Whether the issue of money guaranteed under the Authority of the Constitution was dutifully exercised by Conn General Life Ins Co.

4. Whether the exercise of the exchange designation was improper.

5. Whether the United States District Court erred by not allowing an open court hearing. And, by not rendering forth decisions bound by Constitutional law.

6. Whether the Baca County public servant or trustee erred by conducting a

a fraudulent bidding to the public thus in violation of local and higher law.

7. Whether the agreements of a unilateral status operates as an unconditional waiver of rights as provided by law.

8. Whether the need for an answer to pay contrary exchange in direct opposition to higher law is a valid request.

9. Whether the rule 120 supersedes the Fifth and Fourteenth and Ninth Amendments to the United States Constitution is within the confines of same.

10. Whether a contract ever existed between the two parties.

11. Whether the agreements not contracts are enforceable by law.

12. Whether the Tenth Circuit Court of Appeals Clerk erred by indiscretely taking it upon himself judicially to pass upon the judgment of the court is tantamount to conspiracy.

II

TABLE OF AUTHORITIES

Cases	Page
Solsbee vs. Balkom, 339 U.S. 9, 16 (1949)	20
Goldberg vs. Kelly, 397 U.S. 254, 271 (1969)	21
Withrow vs. Larkin, 43 L Ed 2d 712, 713-14 (1975)	21
Lanzetta vs. New Jersey, 306 U.S. 451, 455 (1939)	21
Georgia vs. Brailsford, 3 Dallas 1	8
Wynehamer vs. People, 13 N.Y. 378	21
Hudson vs. Goodwin, 7 U.S. 32, 33, 34 (1812)	20
Simmons vs. U.S., 390 U.S. 377, 394	7
Miranda vs. Arizona, 384 U.S. 436, 491, 86 S. Ct 1602	7
Marbury vs. Madison, 5 U.S. (2 Cranch) 137, 180 (1803)	20
Neuberger vs. Commissioner, 311 U.S. 83, 88 (1940)	20

State vs. Sutton, 63 Minn 147, 65 N.W. 262, 264 — 8

Osborn vs. Bank of U.S. Wheat, (22 U.S.) 738, 866 — 8

Littleton vs. Berling, 468 F 2d 389, 412 — 9

U.S. Nixon, 418 U.S. 683 — 9

Power of Sale (Colo) — 6

Rule 120 (Colo) — 6

United States Constitution:
Amendments:

First — 10

Fifth — 10

Fourteenth — 4, 10

Article I sections 8, 9 & 10 — 18

Emit Bills of Credit — 11-17

Base Coinage — 12

IN THE SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 1986

EARL JAMES O'MALEY, et uxor

vs.

COUNTY OF BACA AND
CIGNA CAPITOL ADVISORS AND
CONNECTICUT GENERAL LIFE INS CO

PETITION FOR A WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

Earl James O'Maley, et uxor, hereby petitions for a Writ of Certiorari to review the judgment of the United States Court of Appeals for the Tenth Circuit in this case.

CITATION OF OPINION BELOW

Earl James O'Maley, et uxor vs. Warren E Schmidt, et al (No. 85-2181, 10th Cir., filed January 31st 1986.

JURISDICTION

The judgment of the court of appeals was entered on January 31st 1986, but not by the JUdges, Logan, Moore, and Tacha, but by the Clerk of the Tenth Circuit

Court of Appeals. The Clerk's volition to take it upon himself to 'take-over' judicial duties drastically opposed to Article III sect 1 to the United States Constitution. Rule 17(b) cannot supersede the supreme Law of the Land. The jurisdiction of this Court is invoked under Title USC, section 1254(1)(3).

CONSTITUTIONAL PROVISION INVOLVED

First, Fourth, Fifth, Seventh, Eighth, Ninth, Tenth, Thirteenth, and Fourteenth Amendments to the Constitution; Articles I sections, 8, 9 & 10; III, section 1 and Article IV section 2, to the Constitution.

STATEMENT OF THE CASE

On January 29th 1985, the lower court in Baca County, Springfield, Colo, would not allow, 1) pre-trial, 2) Seventh Amendment Jury Trial, which the Colo constitution, pursuant Art II sec 23 guarantees, 3) Fifth and Fourteenth Amendments, thus serving due process of law, which CO State

guarantees, pursuant to section 25. There is the issue of ex post facto law not tolerated by Article I section 9 & 10, that no State shall pass same (U.S.Const), but was so exercised vigorously in the case. It was certain then that the court would only exercise the power of sale & rule 120. The power of sale is redundant, which is a clause inserted into the Colorado Deed of Trust dated April 4th 1977, which allows or grants the mortgagee the right and power to advertise and sell the mortgaged property but without resorting to a court for authority, thus such law does a great job of negating Constitutional guarantees through a court of Law. However, there was a court hearing on January 29th 1985, but the then defendant was not allowed to perform in a Constitutional manner. Henceforth, the whole of the case, from the onset was tantamount to conspiracy, pursuant to Title 18 USC section 241

and 242.

Rule 120, CO statutes relies heavily upon the power of sale, which, if allowed to stand, negates any possibility to exercise the Fifth and Fourteenth Amendments to the U.S. Constitution, which guarantees that no person shall be deprived of liberty or property, without due process of law. Nor shall any State deprive any person of liberty or property, without due process of law (5th & 14th). Furthermore, no State shall pass ex post facto law, as noticed in Article I sections 9 & 10. Also Article II section 11 (CO const) forbids the passing into law by the general assembly, ex post facto law. The supreme Law of the Land, and the supreme law of the State of Colorado are in perfect harmony that **no ex post facto law** shall be passed. This means then that the power of sale and rule 120 are derived from ex post facto law, that such laws are uncon-

stitutional. Although these two laws do not allow for a court hearing or trial in fact there was just that, a hearing but had the ear-marks of a court trial. There was never at any time a notice of trial. Had there been such notice trial planning would have taken place, such as pre-trial motion, with stipulations, subpoenas for desired witnesses. Statute power of sale and rule 120 (Colo) by the way they read, there is no need for a court hearing or a trial either. Why then was there a feigned trial? Request for a Seventh Amendment trial was denied. No jury. No due process of law afforded the then defendant pursuant to the Fifth and Fourteenth Amendment to the United States Constitution. Without Constitutional guarantees, chances to prove to a court of law pursuant to Article III section 1 to the Constitution are null and void. The dictates of the power of sale follows:

Power of sale: A clause commonly inserted in mortgages and deeds of trust, giving the mortgagee (or trustee) the right and power, on default in the payment of the debt secured, to advertise and sell the morgaged property at public auction (but without resorting to a court for authority).

The dictates of rule 120 (Colo) follows:

Rule 120 (in part): Whenever an order is desired authorizing a sale under a power of sale contained in an instrument, any interested person may file a motion seeking such order, verified by the oath of such person or of someone on his behalf, in only a district court.--The court shall by order fix a time, which shall be not less than 20 nor more than 30 days after the filing of the motion, and a place for such motion.

In the lower court action the decision was to eliminate the Fifth & Fourteenth

Amendments to the U.S. Constitution along with Article II sec 6 (Equality of justice), 11 (Ex post facto laws), 14 (Taking private property for private use), and 23 (Trial by jury), 25 (Due process of law) 28 (Rights reserved not disparaged), from the State of Colorado constitution. Without such guarantees of Constitutional guarantees, the Petitioners....did not have a chance to SHOW that court his side of the story. Had there been a jury Trial it could not have turned out the way it did. Had that court ruled on the motions dutifully entered onto that court, the story could then and now be told differently as to the final outcome-get off the Farmlands belonging to the Petitioners.

In **SIMMONS vs. U.S.,** 390 U.S. 377, 394 it was held: 'It is intolerable that one Constitutional right should have to be surrendered in order to assert another.'

In **MIRANDA vs. ARIZONA,** 384 U.S. 436,

491, 86 S. Ct. 1602 held: 'Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them.'

The case of **GEORGIA vs. BRAILSFORD, 3 DALLAS 1,** the court ruled that in any trial, a jury is entitled to decide law as well as fact. This was one of the very first U.S. Supreme Cousrt cases.

In **STATE vs. SUTTON, 63 Minn. 147, 65 N,W, 262, 264,** held: '....one or more violations of a Constitutional provision... is no justification for any further violation of that instrument.'

In **OSBORN vs. BANK of U.S. WHEAT, (22 U.S.) 738, 866,** the court held: 'Courts are the mere instruments of the law, and can will nothing. When they are said to exercise a discretion, it is a mere legal discretion, a discretion to be exercised in discerning the course prescribed by law; and when that is discerned, it IS

THE DUTY OF THE COURT TO FOLLOW IT. Judicial power is never exercised for the purpose of giving effect to the will of judge; always for the purpose of giving effect to the will of the legislature; or in other words, to the will of the law.'

In **LITTLETON vs. BERLING 468, F 2d 389 412,** it was held: 'A discretionary action is subject to review and reversal for abuse of discretion. And by abuse of discretion is meant action which is arbitrary, fanciful, or clearly unreasonsable.'

The Court has even held that a President of the United States is not above the law. In **U.S. vs. NIXON 418 U.S. 683,** the Court held that he is not immune from prosecution.

The above recorded cases shows clearly the Petitioners rights.....were disposed of in a reckless manner. And because of the abuses by the lower court in question the original action should be overturned.

The First Amendment guarantee was totally ignored. The right for a redress of grievances through appropriate motions be fore that court in question. The Fifth, & Fourteenth Amendments were totally ignored by that court, which in part states: Fifth Amendment: 'No person shall be deprived of liberty or property without due process of law.' The Fourteenth: '....nor shall any State deprive any person of liberty or property, without due process of law.' Had the Petitioners.....been allowed to perform and speak out on the deprivation of Constitutional rights, the story would read much differently today. The Petitioners.... were held in and by, involuntary servitude, pursuant to the Thirteenth Amendment: 'Neither slavery nor involuntary servitude shall exist within the United States.' The lower court in legal question refused to acknowledge any rights whatsoever. Henceforth there was no

chance of obtaining a fair trial by Jury pursuant to the Seventh Amendment: 'In suits at common law, where the value in controversy shall exceed twenty dollars the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any court of of the United States, than according to common law.' The issues were paramount be the lower court court in question. For an example, 1) no money ever passed hands be tween the then plaintiff and the then defendants; 2) there was not at any time, a bilateral contract; 3) the then plaintiff engaged itself with a ledger book containing figures, caused by 'ink on paper' and tiny weeny bit of labor to therefore enter those figures onto the credit ledger; 4) violations existed on the unilateral agreements between the Petitioners,..... and not between the then plaintiffs, and the Petitioners. The dollar exchange de-

TABLE OF CONTENTS

	Page
CITATION OF OPINION BELOW	1
JURISDICTION	1, 2
CONSTITUTIONAL PROVISION INVOLVED	2
STATEMENT OF THE CASE	2
REASONS FOR GRANTING THE PETITION	19
CONCLUSION	24
CERTIFICATE OF MAILING	25
APPENDIX A	1a
APPENDIX B	4a

signation sign was exercised illegally. The dollar sign applies in the case of Article I sections 8 & 10 to the U.S. Constitution; section 8: To coin Money. section 10: No State shall emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts, pass any Bill of Attainder, ex post facto Law.' 5) Congress did not Legislate an 'exchange' sign designation for paper bills with numbers appearing in each corner. The dollar sign, or '$$$' applies to metal, such as Eisenhower dollars, Kennedy ½ dollars, 1962 and 1983 ¼ dollars, but not rags and wood pulp called paper. The dollar means: 1. the monetary unit of the U.S. equivalent to 100 cents. 2. a gold coin of this value, or a silver coin of like value. 4. the English name for the German thaler, a large silver coin of varying value, current in various German states from the 16th century. Therefore the dollar sign $ can-

not be applied to 'pieces of paper'. The word paper means: 1. a substance made of, from rags, straw, wood, or other fibrous material, usually in thin sheets, for writing or printing on, wrapping things in. 2. **existing on paper only and not in reality.** Paper exchange, most call the bills or currency money. The word money means: 1. gold, silver, or other metal in pieces of convenient form stamped by public authority and issued as a medium of exchange and **measure of value**. 2. current coin. So how can paper currency be called or termed money? Under the authority of Title 18 USC section 1001, this law forbids deceit or trickery such as calling a paper currency money. What would it be like should a public servant call glass money, or rubber money, or wood (pulp) money, or plastic money, or card money? Would not this public servant be elligible for Fifth Amendment indictment for daring to expose him-

self as a feigner of legal Tender, daring to call **money** any 'ol item such as wood, glass, etc, noted above, especially when one views the Supreme Law of the Land, or Article I sections 8 & 10, which is the sole Authority on what exchange shall be so exercised?

No State shall emit Bills of Credit.-- Its meaning: A bill or promissory note issued by the government upon its faith & credit, designed to circulate in the commodity as money. Article I section 10, to the United States Constitution. By focusing onto the original action (1/29/85) or the main topic Bills of Credit, was not entertained. It was avoided. When Bills of Credit are void, illegal, notwithstanding, the lower court erred with intent & plan to foil Petitioners. ..... Not at any time was there a default in payments based upon the unilateral agreements between the Petitioners, in action, 84-CV-71,

namely Earl James O'Maley and Mrs Anna V O'Maley. The willingness for them to make payments was always there. The reasoning behind this decision, was to gain official permission to the then plaintiffs but they were unwilling to grant same. It was important for the Petitioners to have in writing over their signatures to make the payments they said was due with opposing exchange to Article I sections 8 & 10, to the U.S. Constitution. It is a crime naturally to circulate base coinage, or emit Bills of Credit. Can the Petitioners possibly commit to passing-off base coinage **and** emit Bills of Credit **without getting into a legal hazzle?** Henceforth is it not proof positive that the then plaintiffs & Petitioners alike would get into a criminal indictment for daring to obey ex-post facto law or faulty laws vastly 'opposed' to the United States Constitution? Certainly it would be hard to believe that...

the lawyers would or could reason that un less the Congress specifically authorizes a certain amount which may issue, Federal Reserve Notes, that it is proper to evade Congressional approval of a specified amount of same. The prime question is, are the Federal Reserve Notes obligations of the United States Government? And, can they be called legal tender? The National Banking Act was passed in 1863 which gave private banks the power to issue currency, but the government passed laws limiting & specifying the exact amount to be issued. Past court decisions have demonstrated that State and local governments cannot incur obligations in excess of those specifically authorized. ..... And no federal obligation may be issued 'unless' the Congress by an Act, authorizes a certain amount which may be issued. Without such authority, then any alleged federal obigation is not legally an obligation, &

this means that the federal reserve notes are 'void' instruments. All of them that are in circulation, are not legal tender, and in fact and by law, valueless.

The Federal Reserve Notes in circulation today are not obligations of the United States, for the reason that no statute has been enacted by Congress to authorize specified amounts to be issued. A case in point, Congress passes an Act every so often by which the debt limit is increased. This validates the sale of treasury notes, bills and bonds. Without such an Act, if the treasury were to issue these on their own, they would be worthless to the purchasers. The issue of the Constitutionality of State and municipal bonds in several instances have been declared invalid and legally worthless in the hands of the purchasers (if they were issued in excess of statutory or Constitutional authority). The courts have decla-

red unanimously that the purchaser must beware; it is his duty to make sure, that his purchase represents its real face value, for if he does not, he has no recourse and suffers total loss.

The Constitutional dollar Article I, sections 8 & 10 is immuntable. It still consists as a Coin, which contains 371.25 grains of pure silver. Today, the coins in circulation are base coinage, in direct opposition to the Law of the Land Article I sections 8 & 9 & 10. For an example:

The Eisenhower dollar is worth $0.08¢, or $0.92¢ deficient; the Kennedy ½ dollar is worth $0.04¢, with a deficiency of 46¢ and the 1980 ¼ dollar is worth $0.02¢, or deficient $0.23¢. Counterfeit. On the other hand, the 1963 dollar is worth $13.50 a far cry from the former example. Henceforth the dollar of today is legal fiction. The Petitioner has maintained all a-

long that the then Plaintiffs, or Connecticul General Life Ins Company dba was in legal error by inducing onto the unilateral agreements between E J O'Maley, and A V O'Maley was deficient from the legal sence, and then forced the Petitioners to abide by the 'in error' exchange sign designation ($$), applied to the valueless federal reserve notes. From this result, the Petitioners do not owe one red cent to the Company dba Conn Gen Life Ins Co.

REASONS FOR GRANTING THE PETITION

The Court should grant the petition to settle questions raised before concerning the monetary issue. Was not Congress responsible to pass an Act to warrant more federal reserve notes? Was it proved in the lower court that the Plaintiffs,..... dba Conn Gen Life Ins Co actually give any thing of value to the Petitioners, from the onset, insofar as money was concerned? If there was no value to the so-called

money they called a loan, amounting to, quote: $125,000.00, should not the case be remanded back to the lower court denoting the several errors? Should not this Petition then be granted, in favor of Article VI and Article I sections 8 & 9 & 10 justice? Certainly the laws forbids such overt acts. In Marbury vs. Madison, 5 U.S. (2 Cranch) 137, 180 (1803) held: 'All laws (Rules and Practices)--- which are repugnant to the Constitution are null and void.' In Neuberger vs. Commissioner, 311 U.S. 83, 88 (1940), 'But even the most basic general principles of statutory construction must yield to clear contrary evidence of legislative intent.' In Solsbee vs. Balkom, 339 U.S. 9, 16 (1949) it was held: 'Due process is that which comports with the deepest notions of what is fair, right and just.' In Hudson vs. Goodwin, 7 U.S. 32, 33, 34 (1812), held: The requirement that powers

had to be enumerated has had support universally by the courts and was recognized early in our Nation's life: 'The principle that it can exercise only the powers granted to it, is now universally admitted.' In Wynehamer vs. People, 13 N.Y. 378, held: 'The sole purpose of gov ernment is the protection of private rights.'

Petitioners complain of the lack of due process of law pursuant to the Fifth and Fourteenth Amendments. In Lanzetta v New Jersey, 306 U.S. 451, 455, held: The primary basic function of government is to render security to its subjects.' In Goldberg vs. Kelly, 397 U.S. 254, 271 it was held: 'An impartial decision-maker-- is essential.' In Withrow vs. Larkin, 43 L Ed 2d 712, 713-714 (1975), it was held 6. Afair trial in a fair tribunal, is a basic requirement of due process.

Rule 120 of the Colo statutes takes

away all forms of due process of law and does not allow the judgeship, Defendant, and Plaintiff alike to share justice, in the lower court. It is worthy of note to say that Article VI to the U.S. Constitution forbids any law, statute, which is an adjunct to contrary law-passing. The Judges are bound to obey this oath. The Judges in every State shall be bound thereby, any Thing in the Constitution--or Laws of any State to the Contrary not withstanding. Then Article I sections 9 & 10 forbids **ex post facto laws**, to be passed by any State. Rule 120 is a Contrary statute, or law. This is another reason why this petition should be granted.

The power of sale entered onto the unilateral agreement entitled Colorado Deed of Trust, dated April 4th 1977 will not allow the necessary due process. As a result of this meaningless law, Petit-

ioners were deprived of due process of law. No trial. No jury. Motions were not allowed in action 84-CV-71. Rulings were not allowed on the Motions, which contained several subject matters. As a consequence, the vital issues were conveniently layed aside.

The Tenth Circuit Court of Appeals rendered no opinion whatsoever. The issues were never brought to light. Article III section 1 guarantees that the lower court will serve Petitioners while on good Behaviour. Proving this point there was not allowed a Seventh Amendment Jury trial, guaranteed Petitioners with controversy exceeding twenty dollars. There was no pre-trial hearing. Motions either struck from the record or not ruled upon as well as, no money ever passed hands from Connecticut General Life Ins Co. So to call this good Behaviour appears bad judgment. Petitioners in their prayer do

pray for this Honorable Court to grant the Petition.

The lower court on March 13th 1985, upon the motion of the Applicant, Connecticut General Life Ins Co for striking the Notice of Appeal and Stay of execution, it was granted proving deliberate attempt to conceal facts, truth, & justice in the action.

CONCLUSION

For all of the above reasons, this Petition should be granted.

RESPECTFULLY SUBMITTED,

Earl James O'Maley & Anna V. O'Maley

Earl James O'Maley, and
Anna V O'maley,
Petitioners
Route 1A Box 1
Campo, Colorado 81029
(303) 787-2326

In propria persona

CERTIFICATE OF MAILING

The undersigned is over the age of 18, who certifies that she caused to be mailed this 29th day of May, 1986, postage pre-paid, first class, the following copies of this Petition for Certiorari.

Forty copies to the Clerk, United States Supreme Court, Washington, D.C., 20543; and (1) copy to Larry Stuller, and Alan Epstein, Attorneys for the Appellees.

Server: Earlene E. Nivens

Earlene E Nivens
Route 1A Box 2
Campo, Colo 81029

APPENDIX A

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

EARL JAMES O'MALEY, et uxor

Plaintiff/Appellant,

vs.

COUNTY OF BACA, and
CIGNA CAPITOL ADVISORS, and
CONNECTICUT GENERAL LIFE INS,

Defendants/Appellees.

No. 85-2181
(D.C. No. 85-M-1779)
(D. Colo.)

ORDER AND JUDGMENT

Before LOGAN, MOORE, and TASHA, Circuit Judges.

In accordance with 10th Cir R 9(e) and Fed R App P 34(a), this appeal came on consideration on the briefs and record on appeal.

This matter is before the court on appellees' motion to affirm and appellants'

response thereto. The district court dismissed the plaintiffs' action for the reason that their complaint did not state a recognizable claim for relief within the district court's jurisdiction.

We have reviewed the record and conclude the district court was correct. See 10th Cir R 17(b).

The judgment of the United States District Court for the District of Colo is AFFIRMED.

The mandate shall issue forthwith.

/s/
HOWARD K. PHILLIPS, Clerk

FOOTNOTES

1. The action on Appeal was not argued before the Circuit Judges.

2. The Clerk of the court entered the order and judgment. The Petitioners quible with this procedure. Ex parte hearing is one sided. Not having heard from the Petitioners is resentful that the Circuit Court Judgeships did not affix their signatures onto the Order and Judgment. Several issues prevail, such as the money topic, the Bills of Credit prohibited by Article I sections 9 & 10. Base coinage is a primary topic, and part of the complaint. Article I section 8 prohibits the passing of counterfeit money. Unilateral agreements is a major issue, but not discussed, or ruled upon. From the onset, no trial ever took place, let alone hearings from the U.S District Court and the Tenth Circuit Court of Appeals. Petitioners were denied Constitutional rights.

APPENDIX B

UNITED STATES DISTRICT COURT

FOR THE

DISTRICT OF COLORADO

EARL JAMES O'MALEY, et uxor

Plaintiff/Appellant,

vs.

COUNTY OF BACA, and
CIGNA CAPITOL ADVISORS, and
CONNECTICUT GENERAL LIFE INS,

Defendants/Appellees.

ORDER OF DISMISSAL

This court has examined the papers fi- by the 'petitioners' and considered them as a complaint to initiate a civil action against the named defendants. When determining the sufficiency of pro se complaints, the court must construe them liberally, applying less stringent standards than when the plaintiff is represented by

Robles v. Coughlin, 725 F 2d 12 (2d Cir. 1983). Also included in this matter is apparently a motion for a temorary restraining order, although it is not apparent whom and what should be restrained.

The 41 pages of the petitioners' papers can be characterized as a narrative--of charges, social and political commentary and conclusions concerning numerous persons, organizations and agencies where in the petitioners finally pray 'that this Honorable Court will rull as 'null and void' WORDS that cannot talk, write, eat, or lie, such as the words CON N GEN LIFE_ INS CO., when it comes down to entering a petition in the lower court, which it can not do in the first place. Only people can commit to this act NOR WORDS. Even looking at this complaint by the liberal standard set for pro se complaints, it falls far short in that there is no recognizable claim for relief within this court's jur-

isdiction. Accordingly, it is

ORDERED, that the petitioners' compl.

and this civil action are dismissed.

Dated: July 26, 1985

BY THE COURT:

/s/
Richard P Matsch

FOOTNOTES

1. The action on Appeal was not argued before Judge R P Matsch, nor was it at all heard orally on July 26, 1985. It was at best ex parte, whichis hardly the way to justify paramount issues borne in this Petition before the United States Supreme Court.

2. What is a Contract. It is between two or more parties. What is a one sided agreement? It is called a unilateral form of agreement, in this case, it was between the Plaintiff, Earl J O'Maley, and Ann V O'Maley, **and not** between the Plaintiff, & the Defendants, in which case, would have to be called, and properly so, a bilateral Contract. Why did not the court delve into such improprieties?

3. MONEY. No such thing ever passed--to the Plaintiffs, O'Maleys. The defendants believed in Bills of Credit, a drastic measure of law-breaking.

4. The Farmlands bidding taking place at the County of Baca Courthouse was lawfully a fraudulent act, performed by perjurer THELMA R GOODNIGHT, Baca County Trustee. And yet the U.S. District Court, failed to take this into account. This in famous public servant did not take 'cash' as intended by the law. Furthermore, she was accused of circulating counterfeit or otherwise phony money, or better said,... Bills of Credit which she engages herself in public office. What is protecting such an infamous public servant? That is what the courts are for, to root out purjurers when surfaced. As a result of the fraudulent bidding, the case then should be considered null and void. What happened somewhere down the line? Why did not the U.S. District Court take this overt act into consideration? Title 18 USC section 3, 4, 1001, 241, 242, 2382 are necessary laws to be invoked in this case.